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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

8 Plaintiff(s),

9 v.

10 MAURICE DONNELL COOPER,

11 Defendant(s).

Case No. 2:07-CR-66 JCM (GWF)

ORDER

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13 Presently before the court is the matter of *United States v. Cooper*, case number 2:07-cr-  
14 00066-JCM-GWF.

15 On January 23, 2020, defendant Maurice Cooper filed a motion to disclose supervision  
16 records of the United States Probation Office and testimony of former probation officer Jason  
17 Flores. (ECF No. 142). The government filed a response (ECF No. 143), to which Cooper  
18 replied (ECF No. 144).

19 Cooper commenced a thirty-six (36) month term of supervised release on June 13, 2017.  
20 (ECF No. 123). On December 5, 2019, probation filed a petition to revoke Cooper's supervised  
21 release. *Id.* In pertinent part, probation alleges that from "May 18, 2019, to May 21, 2019,  
22 Cooper traveled from Las Vegas, Nevada, to Ohio [*sic*] Akron/Canton, Ohio, and back without  
23 prior approval from the United States Probation Officer or the Court." *Id.*

24 Cooper's motion makes two separate requests. First, Cooper requests that the court order  
25 disclosure of his supervision records relating to his "request to travel to Ohio from both the U.S.  
26 Attorney's Office and the U.S. Probation Office." (ECF No. 142). Second, Cooper requests that  
27 the court permit the testimony of former probation officer Jason Flores—who supervised Cooper  
28 at the time of his alleged travel—at his revocation hearing. *Id.*

1 In its response, the government indicates that it does not have custody or control of the  
2 records Cooper seeks and accordingly takes no position on the motion. (ECF No. 143). The  
3 government also requests that probation be permitted to respond to Cooper's motion. *Id.*

4 Cooper's motion is an application to the court under Local Criminal Rule 32-2, which  
5 governs the disclosure of presentence investigation reports, supervision records for purposes  
6 other than sentencing, and probation officer testimony. The local rule provides, in relevant part:

7 (c) Application for Disclosure of Presentence Investigation Reports or  
8 Supervision Records for Purposes Other than Sentencing.

9 (1) The presentence investigation report, supporting documents, and  
10 supervision records may be disclosed for purposes other than sentencing  
11 of the defendant only upon written application accompanied by an  
12 affidavit describing the records sought, explaining their relevance to the  
13 proceedings, and stating the reasons the information contained in the  
14 records is not readily available from other sources or by other means. If  
15 the request does not comply with this rule, the determining official may  
16 deny the request or request additional information.

13 (2) The written application must be provided to the determining official at  
14 least 14 days before the production of records is required. Failure to meet  
15 this deadline constitutes a sufficient basis for denial of the request.

15 (3) The determining official may waive the 14-day requirement upon a  
16 showing of a good-faith attempt to comply with this rule.

17 (d) Testimony of a Probation Officer. A request for testimony of a probation  
18 officer must satisfy subsection (c) of this rule.

18 LCR 32-2(c)-(d).

19 In the affidavit accompanying the instant motion, Cooper's counsel Kathryn Newman  
20 explains that Cooper is alleging he that received permission from Flores to travel to Ohio. (ECF  
21 No. 142). Newman states that Cooper's supervision records, as well as the testimony of Flores,  
22 are needed to prove this allegation. *Id.* Newman further states that she has requested Cooper's  
23 supervision records from probation without response, and that Flores has been subpoenaed to  
24 testified at the revocation hearing. *Id.*


25 Good cause appearing, the court will grant Cooper's motion and order the United States  
26 Probation Office to disclose, to Cooper's counsel Kathryn Newman, any supervision records  
27 relating to Cooper's May 2019 travel to Ohio. The court will also permit the testimony of former  
28 probation officer Jason Flores at the revocation hearing.

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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Cooper’s motion to disclose supervision records of the United States Probation Office and testimony of former probation officer Jason Flores (ECF No. 142) be, and the same hereby is, GRANTED, consistent with the foregoing.

DATED February 24, 2020.

  
UNITED STATES DISTRICT JUDGE